



Department of Energy

ROCKY FLATS OFFICE
P.O. BOX 928
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MAR 31 1993

93-DOE-03935

Mr. Jack McGraw
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U.S. Environmental Protection Agency
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Mr. Tom Looby
Assistant Director
Office of Health and Environmental Protection
Colorado Department of Health
4300 Cherry Creek Drive South
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Gentlemen:

This is in response to your letter dated March 16, 1993, which denied Department of Energy's (DOE) request for an extension to the date of submittal for the Operable Unit No. 2 (OU2) draft and final RFI/RI Reports. Under the Interagency Agreement (IAG), the draft Report was due to the Environmental Protection Agency (EPA) Region VIII and the Colorado Department of Health (CDH) on March 12, 1993, and the final Report is due August 9, 1993. Many factors, both internal and external to Rocky Flats, have contributed to these problems; however, DOE acknowledges that a primary reason for missing this milestone was due to decisions made early in 1992 that DOE would not implement the approved RFI/RI bedrock workplan.

As you are aware, approximately nine months of additional time is needed to complete the RFI/RI Reports for OU2. Also, at the meeting of March 4, 1993, among senior representatives of EPA, CDH, and DOE, there was consensus that the agencies need to explore ways to address more fundamental problems in DOE's restoration process.

We would greatly appreciate the opportunity to meet with you in the immediate future and attempt to reach agreement on the approach to satisfy the OU2 milestone, including if necessary, the payment of an appropriate penalty. We believe this could be accomplished without the need to invoke dispute resolution. An option to consider is that when the OU2 milestone is met, the agencies would negotiate a settlement at that time. This approach would allow consideration of the results of the expedited IAG review discussed below.

J. McGraw & T. Looby
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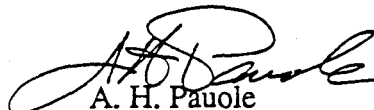
2

MAR 31 1993

We request that the Quality Action Team (QAT) effort be expanded to review the scope and schedule of all Environmental Restoration activities against available resources. This expanded team effort between the parties in working through programmatic and OU-specific issues would have the goal of streamlining the assessment and cleanup process. This process may include participation in the formulation of roadmap issues, assumptions development, and membership on the Rocky Flats Environmental Restoration Change Control Board. In the future, this process would be expanded to include participation of other stakeholders through establishment of a Site Specific Advisory Board. It is believed that we can then jointly see first hand what the problems are and work together to address them.

Please provide me with feedback at your earliest convenience. If you are agreeable, I propose that our staffs meet to discuss the OU2 milestone issue and that the QAT take up its expanded review as soon as possible.

Sincerely,


A. H. Pauole
Acting Manager

cc:

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2/5